

ESTTA Tracking number: **ESTTA670307**

Filing date: **05/04/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221206
Party	Defendant Vice Media Canada Inc.
Correspondence Address	KIMBERLY B. HERMAN SULLIVAN & WORCESTER LLP One Post Office Square BOSTON, MA 02109-2129 kherman@sandw.com;trademark@sandw.com
Submission	Answer
Filer's Name	Kimberly B. Herman
Filer's e-mail	kherman@sandw.com, trademark@sandw.com, lrobins@sandw.com, mpalmisciano@sandw.com
Signature	/Kimberly B. Herman/
Date	05/04/2015
Attachments	Answer to Opposition filed by Virtue Marketing(B1869876).pdf(109857 bytes)

)	
VIRTUE MARKETING LLC and)	
TYLIE EAVES,)	
Opposers,)	Opposition No. 91221206
)	
v.)	Mark: VIRTUE
)	
VICE MEDIA CANADA INC.,)	Application No. 86230249
)	
Applicant.)	
)	

The Applicant, Vice Media Canada Inc., a corporation of Canada, hereby submits its Answer to the Notice of Opposition filed by Opposers, Virtue Marketing LLC, a Georgia limited liability company and Tylie Eaves, an individual, in the above-captioned proceeding as follows:

- ## AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(No Priority)

Opposer's opposition based on Opposer's Application Serial Nos. 86/510,322 and 86/516,300 has no merit because Opposer alleges a date of first use with respect to the marks that is after the first use date in the opposed application.

THIRD AFFIRMATIVE DEFENSE

(Reservation of Defenses)

Applicant hereby gives notice that it intends to rely on any additional affirmative defenses as may become available or apparent during discovery, and thus reserves the right to amend its answer to assert such additional defenses.

Respectfully submitted,

VICE MEDIA CANADA INC.

By its attorneys,

Dated: May 4, 2015

/Lawrence R. Robins/

Lawrence R. Robins
lrobins@sandw.com
Kimberly B. Herman
kherman@sandw.com
Michael Palmisciano
mpalmisciano@sandw.com
SULLIVAN & WORCESTER LLP
One Post Office Square
Boston, MA 02109
Tel: (617) 338-2800
Fax: (617) 338-2880

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the document entitled Answer to Notice of Opposition has been served upon Opposer at the correspondence address of record in the Patent and Trademark Office, Tylie Eaves, Virtue Marketing LLC, 509 Hialeah Drive, Bonaire, GA 31005, this 4th day of May, 2015, marked first class mail, postage prepaid.

/Lawrence R. Robins/

Lawrence R. Robins